



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE  
DIRECTOR

November 27, 1989  
AO-89-24

Karen A. Metivier  
Office of Capital Planning and Budgeting  
One Ashburton Place  
Boston, Massachusetts 02108

Dear Ms. Metivier:

This letter is in response to your request for an advisory opinion.

You have stated that you are employed as the computer network administrator for the Division of Capital Planning and Operations. You have been approached by candidates for federal, state, and municipal offices to be employed as a part-time consultant to their respective political campaigns. This consulting work would be performed on your own time, and would be based on your own personal computer system at your place of residence.

As a consultant to these campaigns, you would be responsible for the design of a database system to track registered voters and their voting trends in the candidates' respective electoral areas. You would also be analyzing polling statistics, enabling you to recommend specific political strategies throughout the campaign. You have stated that one campaign for a candidate for municipal office maintains a database of contributors and would like your help in its database with a database of registered voters.

You have inquired whether the provisions of M.G.L. c.55 would prohibit you from undertaking the part-time consulting work described above.

Section 13 of M.G.L. c.55 states, in part:

No person employed for compensation, other than an elected officer, by the commonwealth or any county, city, or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The

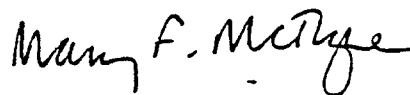
soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has any interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility.

Section 13 prohibits any person employed for compensation by the Commonwealth or any political subdivision thereof from directly or indirectly soliciting or receiving contributions for any political purpose. It is the opinion of this Office that the part-time consulting work you propose to undertake to design a database of registered voters for federal, state and municipal candidates would not be considered a direct or indirect solicitation of contributions for a political purpose. It is the further opinion of this Office that if you were to help a candidate for municipal office merge a database of contributors with a registered voter list such help would also not be considered a direct or indirect solicitation of political contributions on your part. If, however, you were to help build such a contributors' database by supplying actual contributor information, e.g. names of family members, friends or neighbors, such activity would be considered an indirect solicitation by you.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue  
Director